

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE
ON CHILDREN'S ISSUES**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November 2006

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Interim Study Committee on Children's Issues

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November 2006

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

FINAL REPORT

Interim Study Committee on Children's Issues

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee to study the following topics:

A. Child labor.

B. Children's health issues, with emphasis on diabetes and obesity.

II. INTRODUCTION AND REASONS FOR STUDY

Senate Resolution 43-2006 and Senate Concurrent Resolution 31-2006 urged the Legislative Council to establish an interim committee to study issues of child health (particularly SR 43 on care and management of student diabetes at school).

Current Indiana law (IC 16-38-4-19(a)) requires a committee of the General Assembly to study the continued need of the Birth Problems Registry (BPR) during 2006. The topic was assigned to the Committee in order to meet the statutory requirements.

III. SUMMARY OF WORK PROGRAM

The Committee met three times during the 2006 interim.

The Committee first met on August 28, 2006, in Room 130 of the State House. At the first meeting, the Committee discussed children's diabetes issues with emphasis on treatment at schools.

The Committee met for the second time on September 11, 2006, in the History Resource Room of the Indiana State Library. The Committee further discussed children's diabetes issues in schools. The Committee also heard testimony from the State Department of Health on the status of the BPR.

The Committee met for the third and final time on October 26, 2006, in Room 130 of the State House. The Committee reviewed requested legislation and voted on the final report.

IV. SUMMARY OF TESTIMONY

The Committee heard testimony on the following topics:

A. Treatment for Children with Diabetes in Schools.

Michael McCarthy, Riley Hospital, discussed the different types of diabetes and described the items care providers needed to know to test and treat the disease.

Sue Sandberg discussed the difficulties that her child has encountered with school policy pertaining to self-medicating diabetes.

Phyllis Lewis, Department of Education, discussed the immunity provisions within the Indiana Code for care providers administering medications to students. Ms. Lewis also provided the Committee with school nurse data.

Mary Hess, Fort Wayne Community Schools, discussed their school policy on allowing students to self-medicate their illnesses.

Lisa Ernst, Riley Hospital, recommended standardized training of school staff and the approval of student individualized health care plans (individualized plans) that allow for self-treatment of diabetes.

Marcia Plant Jackson advocated that there is no substitute for a school nurse, outlined the purpose of student health plans, and gave a couple of examples of the differences in schools' approach to treatment.

George Huntley disclosed that he is a diabetic and stated that he advocated individualized plans. He said that current school policies not allowing self-medication disrupt children's class time.

Doug Kinzer, representing the American Diabetes Association (ADA), said the ADA was supportive of introduced legislation during the 2006 Session that allowed for individualized plans.

Carolyn Snyder, Indiana Association of School Nurses, urged the importance for persons to be involved in the development of individualized plans.

Linda Bailey, ADA, said that properly trained adults should be able to inject a child with insulin. She said administering medications has become easier with improved administering technology.

Hunter Sego, a student with diabetes, testified about his school's policy for self-treatment of the disease. He spoke of his current use of an insulin pump and how its use caused friction with his school administrators. As a result, Mr. Sego testified that

his health and ability to perform in school suffered while the school deliberated over the pump's use.

Kathy Sego, Hunter Sego's parent, followed up on the testimony offered by her son. She read a letter to the Committee from the President of the Madison Teachers Association urging teachers to report to the Association requests to participate in the treatment of students and seek the school nurse for emergency treatment of students.

Senator Sue Landske gave an action history and description of the individualized plan bill (SB 336-2006) which she introduced during the 2006 legislative session.

Gerald Mohr asked the Committee to "broaden the scope" from diabetes and include more chronic illnesses. He said the problem goes beyond schools. He said there is a state health care crisis.

Nancy Yoder, Fort Wayne Community Schools, testified on the school policy concerning diabetes. She said their school policy does not allow delegation of insulin administration. She described the staff members that would need to be trained to carry out individualized plans. She urged the Committee to provide funding for staff care giver training.

Ben Graber testified that his children's school did not have a nurse in the building. He said the school uses trained care givers for treatment of diabetes. He said administering and testing technology has improved. He concluded that he would rather see a school attempt to treat his children in the event of an emergency.

Nancy Pappas, Indiana State Teachers Association, stressed the importance of training non-medical persons to treat students with diabetes. She emphasized that the course of action taken by the Legislature should strive to maintain high standards and be consistent with the nurse practices act. She said that there can be trouble in distinguishing between different brands of diabetes treatment equipment and that nurses often find themselves in "decision making" roles much like a physician.

At the third meeting of the Committee, members discussed PD 3428. The draft addresses student individual care plans, specifies the recommended number of care givers in a school, and provides for a \$100 stipend to school employees that volunteer to be trained as a care taker.

The Committee decided to make two changes to PD 3428 during the meeting. First, the Committee inserted the school nurse in addition to the principal to supervise care givers (page 2, line 44, of draft).

Second, the Committee changed the number of recommended care givers from "three", in a school without a school nurse assigned, to "at least two (2) and not more than five (5)" (page 2, line 41, of the draft).

B. Birth Problems Registry.

Dr. Judith Ganser, State Department of Health, testified from a report presented to the Committee. She gave a history of the BPR and said that there were 44 types of defects currently reported.

Kathy Williams, representing the March of Dimes, testified that the BPR should continue. She asked the Committee to recommend deleting the BPR's sunset provision in law.

During the third meeting, the Committee members discussed PD 3283. The draft would remove the BPR's sunset clause.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee recommended the following preliminary drafts to be introduced for consideration in the General Assembly.

PD 3283 (Birth Problems Registry) was recommended to the General Assembly by a roll call vote of 7-0.

PD 3428 (Care of Student With Diabetes) was recommended to the General Assembly, with changes, by a roll call vote of 9-0.

The Committee adopted the final report, including incorporation of proceedings from the third meeting and the recommended preliminary drafts, by a roll call vote of 9-0. During the vote, Senator Tallian and Representative Cheney both raised concerns that the Committee did not study child labor during the interim as directed by the Legislative Council.

WITNESS LIST

Linda Bailey, American Diabetes Association
Lisa Ernst, Riley Hospital
Dr. Judith Ganser, Indiana State Department of Health
Ben Graber Phyllis Lewis, Indiana Department of Education
Mary Hess, Fort Wayne Community Schools
George Huntley, American Diabetes Association
Marcia Plant Jackson, Coalition of Advanced Practice Nurses of Indiana
Doug Kinzer, representing the American Diabetes Association
Senator Sue Landske
Michael McCarthy, Riley Hospital
Gerald Mohr
Nancy Pappas, Indiana State Teachers Association
Sue Sandberg, Parent
Hunter Sego, Student
Kathy Sego, Parent
Carolyn Snyder, Indiana Association of School Nurses
Kathy Williams, March of Dimes
Nancy Yoder, Fort Wayne Community Schools